

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Civil No. 05-2860 (JRT/RLE)

ACORDIA OF MINNESOTA, INC.,

Plaintiff,

v.

GORDON R. HIES, C.J. CHARTIER
INSURANCE SERVICES, INC. d/b/a The
Service Agency,

Defendants.

* * * * *

ORDER

Civil No. 06-1643 (JRT/RLE)

GORDON R. HIES,

Plaintiff,

v.

ACORDIA OF MINNESOTA, INC.,

Defendant.

Robert W. Vaccaro and Steven E. Rau, **FLYNN GASKINS & BENNETT, LLP**, 333 South Seventh Street, Suite 2900, Minneapolis, MN 55402, for plaintiff Acordia of Minnesota, Inc.

Donald R. McNeil, Brian W. Varland, and Stephen Buterin, **COLEMAN, HULL & VAN VLIET, PLLP**, 8500 Normandale Lake Boulevard, Suite 2110, Minneapolis, MN 55437, for defendant Gordon R. Hies.

Steven M. Phillips, **ANTHONY OSTLUND & BAER**, 90 South Seventh Street, Suite 3600, Minneapolis, MN 55402, for defendant C.J. Chartier Insurance Services, Inc., d/b/a The Service Agency.

On December 6, 2005, Gordon R. Hies (“Hies”) filed a summons and complaint with the St. Croix County Circuit Court in the State of Wisconsin, seeking a declaratory judgment regarding the validity and scope of a purported noncompetition agreement with his former employer, Acordia of Minnesota, Inc. (the “Wisconsin action”). On December 9, 2005, Acordia filed an action before this Court, claiming that Hies is wrongfully soliciting Acordia’s clients and using Acordia’s confidential information, in violation of the noncompetition agreement.

Acordia was not served with the Wisconsin state court action until December 13, 2005, after it had filed suit in this Court. On December 19, 2005 Acordia removed the Wisconsin action to the United States District Court for the Western District of Wisconsin, and subsequently filed a motion to dismiss or, in the alternative, transfer the Wisconsin action to this Court. On February 9, 2006, this Court issued an order staying this case pending a ruling by the Western District of Wisconsin on Acordia’s motion. On April 27, 2006, the Western District of Wisconsin issued an order transferring the Wisconsin action to this Court.¹ The parties now move for an order lifting the stay imposed in this Court’s February 9, 2006 Order.

¹ Upon transfer to this District, the Wisconsin action was initially assigned to Judge Doty and Magistrate Judge Nelson, Civil No. 06-1643. The Wisconsin action was then reassigned to Judge Tunheim and Magistrate Judge Ericksen as a related case.

In accordance with the Court's February 9, 2006 Order, and because the United States District Court for the Western District of Wisconsin has transferred the Wisconsin action to this Court, the Court lifts the stay and grants the motions to consolidate the cases.

ORDER

Based on the foregoing, all the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that Acordia's motion to consolidate cases and lift stay [Docket No. 50], Hies's motion to consolidate cases [Docket No. 54], and C.J. Chartier Insurance Services, Inc.'s motion for joinder to consolidate cases [Docket No. 56] are **GRANTED**, and the Stay imposed on this case in the February 9, 2006 Order is **LIFTED**.

IT IS FURTHER HEREBY ORDERED that:

1. All future filings pertaining to the above actions shall be filed in case number 05-cv-2860.
2. The parties shall file amended complaints and answers if necessary to encompass issues raised in the Wisconsin action that are not included in the Minnesota action.
3. The Clerk of Court is directed to close case number 06-cv-1643.

DATED: September 7, 2006
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge